



ENVIRONMENTAL STRATEGIES CORPORATION

Four Penn Center West • Suite 315 • Pittsburgh, Pennsylvania 15276 • (412) 787-5100 • Fax (412) 787-8065

July 2, 1999

Dilip Kothari
US Army Corps of Engineers
Pittsburgh District
Federal Building
1000 Liberty Avenue
Pittsburgh PA 15222-4184

COPY

Re: Transmittal of Closure Correspondence
Witco Corporation Facility
Petrolia, Pennsylvania

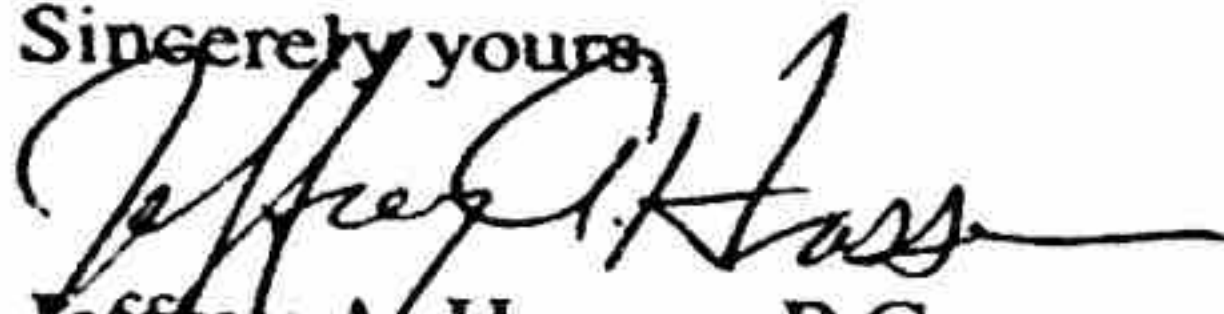
Dear Mr. Kothari:

On behalf of Witco Corporation (Witco), Environmental Strategies Corporation (ESC) is transmitting the closure correspondence requested by the United States Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (COE) during the May 25, 1999, RCRA Site Visit at the above referenced facility. The enclosed letter from the Pennsylvania Department of Environmental Protection (PADEP) documents that the Inactive Landfill (Area of Concern [AOC] 4), Temporary Landfill (AOC 5), Inert Material Storage Area (AOC 6), and Fire Training Pit (AOC 7) were closed in compliance with the PADEP-approved closure plan. Please note that this letter refers to the "Old Disposal Site" (Inactive Landfill; AOC 4) closure; however, the closure plan for this area also included extending a cap with a leachate collection and treatment system from AOC 4 to AOC 5 through AOC 7.

We have also enclosed a copy of an executed PADEP Consent Order for the closure of AOC 4 through 7 as well as Lagoons 1, 2, and 4 (AOC 1 through 3). We have been unable to locate PADEP correspondence that documents AOC 1 through 3 were closed in compliance with this order and the subsequent closure plans; however, we will forward this information to the COE on our receipt.

Please contact me at (412) 787-5100 if you have any questions or need additional information.

Sincerely yours,



Jeffrey A. Hassen, P.G.
Project Director

JAH:pam

Enclosures

cc: Sigma Toth, Pennsylvania Department of Environmental Protection
Al Nesheiwat, Witco Corporation
Dick Fleeger, Witco Corporation
John Simon, Environmental Strategies Corporation

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Office of Chief Counsel
1303 Highland Building
121 South Highland Avenue
Pittsburgh, Pennsylvania 15206-3988
(412) 645-7440

December 15, 1987

Thomas Jackson
THORPE, REED & ARMSTRONG
One Riverfront Center
Pittsburgh, PA 15222

Re: WITCO Corporation

Dear Tom:

Enclosed is an original signed Consent Order & Agreement and Determination of Nonapplicability. The Consent Order & Agreement was signed November 30, 1987. Therefore, in accordance with Paragraph 22, WITCO's appeal at EHB Docket No. 85-258 must be withdrawn as quickly as possible.

Thank you for your help in resolving this matter.

Very truly yours,

Zelda Curtiss
Assistant Counsel

ZC/amb
cc: Bill Pounds (w/encl.)
Russ Crawford

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DEC 18 1987

DEPARTMENT OF ENVIRONMENTAL
BUREAU OF WASTE MANAGEMENT
1012 WATER STREET
MEADVILLE, PA 16335

-
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

In the Matter of:

| | | |
|----------------------|---|-------------|
| WITCO CORPORATION | : | |
| Sonneborn Division | : | Solid Waste |
| Township of Fairview | : | |
| Butler County | : | |

CONSENT ORDER AND AGREEMENT

Between the Commonwealth of Pennsylvania, Department of Environmental Resources ("Department") and Witco Corporation and the legal successors in interest, assigns, employees and agents thereof ("Witco").

The Department has determined the following Findings of Facts which Witco agrees are true and correct:

A. Witco is a Delaware corporation registered to do business in Pennsylvania having a mailing address of C.T. Corp. Systems, Oliver Building, Mellon Square, Pittsburgh, PA 15222.

B. Witco owns and operates a facility in Fairview Township, Butler County, ("Petrolia facility") which produces white mineral oils, petrolatums, micro crystalline waxes and activated carbon. The address of the Petrolia facility is P. O. Box 336, Petrolia, PA 16050.

C. Since at least 1972, Witco has owned and operated a waste disposal area at its Petrolia facility ("disposal site").

D. At this disposal site, Witco has disposed of solid waste generated at the Petrolia facility. These wastes include but are not limited to: bottom an

NOTE:

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M and

flyash, coke fines, carbon residue from acid stripping of oil, industrial wastewater treatment plant sludge, bauxite, dredgings from wastewater lagoons and clarifier scum. DER contends that certain of these wastes which contain methanol from certain product finishing lines are hazardous by virtue of being listed as set forth in Paragraph F.

E. At all times material hereto, Witco has owned and operated Lagoons Numbers 1 and 2 as part of its existing wastewater treatment system. These interconnected lagoons receive wastes from the facilities processes, including a waste which the Department contends is listed as F003 in 25 Pa. Code §75.261(h)(2).

F. Wastes generated from certain product finishing lines contain methanol which is listed as a hazardous waste in 25 Pa. Code §75.261(h)(2), designated as F003. These F003 wastes combine with other plant wastewaters, all of which enter Lagoon Nos. 1 and 2. Witco has had the sludge in Lagoon Nos. 1 and 2 delisted by the Department as a hazardous waste. Said delisting is attached hereto as Exhibit A and incorporated herein. Despite the hazardous waste designation of waste containing methanol as F003 and the Department's delisting of the waste, Witco does not believe the waste is hazardous.

G. Prior to and on December 12, 1984, Witco has disposed of the sludge from Lagoons Nos. 1 and 2 at the disposal site.

H. At all times material hereto, Witco has owned and operated Lagoon No. 4, which was used to store and dispose of residual waste.

I. Witco applied for, but never received, a permit from the Department for the disposal of solid waste on its property.

J. Witco does not have interim status pursuant to Section 75.265(z) of the Rules and Regulations, 25 Pa. Code §75.262(z), to store, treat or dispose of hazardous waste at its disposal site or at Lagoons Nos. 1 and 2. Witco does not believe that it needs interim status under the circumstances.

K. Witco has operated its disposal site for the disposal of solid waste without authorization by permit and without interim status in violation of Sections 301(a), 401(a), 501(a), 610(1) and 610(2) of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, 35 P.S. §§6018.301(a), 6018.401(a), 6018.501(a), 6018.610(a) and 6018.610(2). Since early 1985, Witco has operated its disposal site for the storage of residual waste.

L. The Department contends that Witco's disposal of residual and hazardous waste at the disposal site and management of hazardous wastes in Lagoons Nos. 1 and 2 without authorization by permit constitutes a public nuisance pursuant to Section 601 of the Solid Waste Management Act, 35 P.S. §6018.601, and unlawful conduct pursuant to Sections 610(1), 610(2), and 610(4) of the Solid Waste Management Act, 35 P.S. 6018.610(1), 6018.610(2) and 6018.610(4).

M. Lagoon No. 4 is an unlined earthen impoundment containing approximately 5,000 cubic yards of oily liquids and slightly viscous semisolids.

N. Lagoon No. 4 has not been used by Witco since at least 1961 for disposal of Witco's wastes.

O. Witco has operated Lagoon No. 4 as a residual waste storage and disposal site without authorization by permit in violation of Sections 301(a), 501(a), 610(1) and 610(2) of the Solid Waste Management Act, 35 P.S. §§6018.301(a), 6018.501(a), 6018.610(1) and 6018.610(2), and without authoriza-

tion pursuant to the Pennsylvania Solid Waste Management Act, Act of July 31, 1968, P.L. 788, 35 P.S. §6001 et seq. (repealed July 7, 1980). Witco has been in the process of closing Lagoon No. 4.

P. The Department contends that Witco's continued conduct constitutes a danger of pollution to the waters of the Commonwealth pursuant to Sections 401 and 402 of the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended ("Clean Streams Law"), 35 P.S. §§691.401 and 691.402.

Q. On May 12, 1985, the Department issued Witco an Order which required, among other things, closure of the lagoons and the disposal site. Witco appealed the order at EHB Docket No. 85-258-G.

R. Witco has submitted closure plans for Lagoons Nos. 1, 2 and 4 and for the disposal site.

S. The parties desire to resolve this matter expeditiously without resort to litigation concerning the aforesaid violations.

NOW, THEREFORE, this 30th day of November, 1987, the parties intending to be legally bound by the covenants in the Agreement and in consideration of the mutual covenants herein, Witco consents to the entry of the following Order and the entry of the following Agreement:

1. Paragraphs 2 through 23 of this Consent Order and Agreement constitute an Order of the Department issued pursuant to Sections 104(7) and 602 of the Solid Waste Management Act, 35 P.S. §§6018.104(7) and 6018.602, Sections 5, 316, 402 and 610 of the Clean Streams Law, 35 P.S. 691.5, 691.316, 691.402 and 691.610, and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17.

DISPOSAL SITE

2. Upon execution of this Consent Order and Agreement, Witco shall cease using its disposal site for the disposal of any solid waste.

3. By no later than July 31, 1989, Witco shall dispose of all solid waste being stored at the disposal site in accordance with the applicable provisions of the Solid Waste Management Act and rules and regulations promulgated thereunder.

4. By no later than January 1, 1990, Witco shall commence closure of the disposal site and shall complete closure by no later than August 31, 1989. Closure shall include but is not limited to the installation of a cap, a leachate collection system and groundwater monitoring in accordance with Witco's approved closure plan which is contained in the following and are incorporated herein by reference:

A. "Initial Closure Plan for Active Industrial Waste Disposal Facility", dated July 1981, received March 10, 1983.

B. Report entitled "Proposed Groundwater Monitoring Plan for Waste Disposal Facility", dated March 1982, received March 23, 1983.

C. Report entitled "Outline of a Groundwater Quality Assessment and Abatement Program at the Active Disposal Facility", dated November 1983, received December 5, 1983.

D. Report entitled "Report on Waste Conditions at the Active Disposal Facility", dated November 1983, received December 5, 1983.

E. Report entitled "Closure Plan for Active Industrial Waste Disposal Facility Witco Chemical Corporation, Petrolia, Pennsylvania, dated November

1983, received December 23, 1983.

F. Report entitled "Closure Plan Existing Landfill", dated July 1984, received July 24, 1984.

G. Report entitled "Revised Closure for Existing Landfill", dated July 1985, received July 16, 1985.

H. Report entitled "Sampling and Analysis Plan for the Active Landfill", dated January 1985, received January 23, 1985.

I. Report entitled "Assessment and Abatement Outline and Plan for the Active Landfill", dated January 1985, received January 23, 1985.

J. Required Department revisions found in letter from Russell L. Crawford to Loren Buckley, dated May 13, 1987.

5. Until receipt of a post closure care permit as set forth in Paragraph 6, Witco shall monitor and provide post closure care to assure the integrity and proper functioning of all components of the containment and monitoring systems. Such post closure care shall comply with and be consistent with the information in the approved submittals set forth in Paragraph 4.

6. By no later than 180 days from the date of execution of this Consent Order and Agreement, pursuant to 25 Pa.Code 75.264(a)(ii), Witco shall apply for a permit for post closure care, in accordance with the procedures set forth in 25 Pa. Code ~~SS~~ 75.265(z), 75.270-75.282.

7. Treatment of all leachate collected from the disposal site shall be in accordance with all permits issued to Witco. If Witco intends to treat its leachate in its wastewater treatment facility, at least thirty (30) days prior thereto, Witco shall submit to the Bureau of Water Quality Management, with a

copy of the cover letter to the Bureau of Waste Management, results of representative samples of the leachate and a report prepared by a competent consultant that treatment of the leachate in the wastewater treatment facility is compatible with other wastes and will not interfere with the treatment efficiency of the wastewater treatment system.

8. Within 30 days of closure, Witco shall submit to the Department a certification of closure in accordance with the provisions of 25 Pa. Code §75.264(o)(9).

9. Within ninety (90) days after closure of the disposal site, Witco shall submit to the Department and to the municipality in which the facility is located a survey plat indicating the location and dimension of the landfill with respect to permanently surveyed benchmarks. The plat filed with the municipality shall contain a note prominently displayed which states the owner's obligation to restrict disturbance of the site so that post closure use does not disturb the integrity of or interfere with the proper functioning of any component of the containment or monitoring system. In addition, Witco shall submit to the Department and the municipality a record of the type, location and quantity of hazardous waste disposed of within the disposal area. The plans submitted to the Department should include a 200 foot control grid tied to elevations established for the permanently surveyed benchmarks.

10. Before transferring ownership or operation of the disposal facility during the post-closure care period, Witco shall notify the new owner or operator in writing of the requirements of the post-closure care requirements. Witco's failure to notify the new owner or operator of the requirements for the post-

closure plan does not relieve the new owner or operator of his obligations to comply with all applicable provisions of these requirements.

11. Should Witco transfer its disposal site or any part thereof, Witco shall include in the property description of such deed an acknowledgement of hazardous waste disposal activities and that the use of the property is restricted. The acknowledgement is to include the surface area size and exact location of the disposal site, and a description of the types of hazardous waste contained there. Such amended property descriptions shall be made a part of the deed for all future conveyances or transfers of the subject property. The warranty in such deed shall not be applicable to the surface area size and exact location of the disposed waste and the description of the type of hazardous waste contained there. Provided however, any notification must be consistent with the SWMA and regulations in effect at the time of such transfer.

LAGOON NO. 4

12. By November 30, 1987, Witco shall complete closure of Lagoon No. 4 including but not limited to installation of a cover, area stabilization and post closure monitoring and maintenance in accordance with its approved closure plan which consists of the following documents which are incorporated herein by reference:

A. Report entitled "Closure Plan for Lagoon No. 4", dated August 1980, received August 22, 1980.

B. Report entitled "Closure Plan Supplement and Proposed Groundwater Monitoring Plan for Lagoon No. 3 and No. 4", dated November 1983, received December 5, 1983.

C. Report entitled "Site Assessment and Engineering Closure Plan for Lagoon No. 4", dated September 1984, received October 1, 1984.

D. Report entitled "Revised Closure Plan for Lagoon No. 4", dated July 1985, received July 12, 1985.

E. Required Department revisions found in letter from Russell L. Crawford to Loren Buckley, dated May 13, 1987.

Complete closure does not include installation of rip rap and revegetation. Installation of rip rap and revegetation of the site shall be completed by June 1, 1988.

13. Within ninety (90) days after closure of Lagoon No. 4, Witco shall submit to the Department and to the municipality in which the facility is located a survey plat indicating the location and dimension of the lagoon with respect to permanently surveyed benchmarks. The plat shall be prepared and certified by a registered land surveyor. The plat filed with the municipality shall contain a note prominently displayed which states the owner's obligation to restrict disturbance of the site. In addition, Witco shall submit to the Department and the municipality a record of the type, location and quantity of waste disposed of within the lagoon. The plans submitted to the Department should include a 200 foot control grid tied to elevations established for the permanently surveyed benchmarks.

14. Before transferring ownership or operation of Lagoon No. 4 during the post-closure care period, Witco shall notify the new owner or operator in writing of the requirements of the post-closure care plan. Witco's failure to notify the new owner or operator of the requirements for the post-closure plan

does not relieve the new owner or operator of his obligations to comply with all applicable provisions of these requirements.

15. Should Witco transfer Lagoon No. 4, Witco shall include in the property description of such deed an acknowledgement of the waste disposal activities and that the use of the property is restricted. The acknowledgement shall include the surface area size and exact location of Lagoon No. 4 and a description of the types of waste contained there. Such amended property descriptions shall be made a part of the deed for all future conveyances or transfers of the subject property. The warranty in such deed shall not be applicable to the surface area size and exact location of the disposed waste and the description of the types of waste contained there.

LAGOONS NOS. 1 AND 2

16. If the Department requires additional information to review and approve the Groundwater Assessment and Abatement Plan submitted July 14, 1987, Witco shall submit the required information within the time specified in the Department's notice.

17. By no later than June 1, 1988, Witco shall complete the closure of Lagoons Nos. 1 and 2 in accordance with the following documents which are incorporated herein by reference:

A. Report entitled "Closure Plan for Lagoons No. 1 and No. 2", dated December 1984, received December 6, 1984.

B. Report entitled "Assessment and Abatement Outline and Plan for Lagoons No. 1 and No. 2", dated January 1985, received January 23, 1985.

C. Report entitled "Proposed Groundwater Monitoring Plan for Lagoons

No. 1 and No. 2", dated January 1985, received January 22, 1985.

D. Report entitled "Sampling and Analysis Plan for Lagoon No. 1 and No. 2", dated January 1985, received January 22, 1985.

E. Report entitled "Assessment and Abatement Outline and Plan for Lagoons No. 1 and No. 2", dated June 1985, received June 13, 1985.

F. June 1987 Response to DER May 13, 1987 review letter.

Upon completion of closure, Witco shall maintain lagoons 1 and 2 in accordance with its approved submissions and shall continue monitoring as provided by the approved groundwater assessment and abatement plan.

18. a. All sludge which has been delisted as set forth in Exhibit A shall be disposed of in a lined and permitted solid waste disposal facility which provides for the collection and treatment of leachate generated at that facility.

b. Upon removal of all sludge, a sufficient volume of soil shall be removed such that the concentration of constituents remaining does not exceed normal area background concentrations, or until a minimum uniform layer of soil 3 feet thick has been removed. Seventy-two (72) hours prior to removal of sludges and soil, the Department shall be notified by phone at (814) 724-8557.

19. All activities performed by Witco or by others for Witco to comply with the requirements of this Order shall be performed in accordance with all environmental statutes.

BONDS

20. By no later than sixty (60) days after the execution of this Consent Order and Agreement, Witco shall submit to the Department a separate closure and post closure care bond for the disposal site in conformance with the require-

ments of Sections 75.311-75.330 of the Rules and Regulations, 25 Pa. Code §§75.311-75.330, and Section 505 of the Solid Waste Management Act, 35 P.S. §6018.505, and post closure care bonds for Lagoons Nos. 1, 2 and 4 pursuant to Section 505 of the Solid Waste Management Act, 35 P.S. §6018.505. The post closure bonds for Lagoons Nos. 1, 2 and 4 shall be in an amount certified by an independent professional engineer sufficient to assure required maintenance and monitoring activities for ten years. All bonds shall be in the form of a collateral bond or automatically renewable letter of credit on forms prescribed by the Department.

21. Commencing thirty (30) days after the execution of this Consent Order and Agreement and continuing every month thereafter until Witco complies with its obligations in Paragraphs 1 to 20, Witco shall furnish the Bureau of Waste Management monthly written reports providing in detail the specific actions which Witco has taken to comply with this Consent Order and Agreement. Said reports shall be due ten (10) days after the end of the preceding month and shall be sent to John Mead, Bureau of Waste Management, 1012 Water Street, Meadville, PA 16335.

22. Within fifteen (15) days of execution of this Consent Order and Agreement, Witco shall withdraw its appeal of the Department's May 12, 1985 Order at EHB Docket No. 85-258.

23. If Witco fails to comply with any of the obligations and time limitations agreed to and ordered by the Department in Paragraphs 2 to 18, Witco shall pay \$100 per day or part thereof for the first thirty (30) days of its non-compliance with any term or provision and \$500 per day or part thereof which

continues beyond thirty (30) days. The sum shall be payable by means of a check payable to the Commonwealth of Pennsylvania, Solid Waste Abatement Fund, shall be due and owing without notification and shall be submitted to Russell Crawford, Bureau of Waste Management, 1012 Water Street, Meadville, PA 16335, by Wednesday for the preceding week for which it becomes due and owing.

24. Within fifteen (15) days of execution of this Consent Order and Agreement, in settlement of the violations of law which are described in Paragraphs G, H, I, J, K, L, and O of the Findings of Fact which occurred prior to the execution of this Consent Order and Agreement, Witco shall pay a civil penalty pursuant to Section 605 of the Solid Waste Management Act, 35 P.S. \$6018.605, in the sum of twenty two thousand five hundred dollars (\$22,500.00) into the Solid Waste Abatement Fund. Witco shall be deemed to have paid \$12,500 of the amount by virtue of their payment of this amount at EHB Docket No. 85-010. The remaining ten thousand dollars (\$10,000.00) is payable by means of a check made payable to the Commonwealth of Pennsylvania Solid Waste Abatement Fund and sent to Russell Crawford at the above address. Upon receipt of the payment and compliance with Witco's obligation at Paragraphs 2-20, the Department agrees to waive all civil, equitable or administrative claims for the violations in Paragraphs G, H, I, J, K, L, and O which occurred prior to execution of this Consent Order and Agreement. Provided, however, that nothing in this Consent Order and Agreement shall be construed to relieve Witco from any liability for environmental damage which may have resulted from the activities described in Paragraphs G, H, I, J, K, L, and O.

25. In the event that the Department determines that Witco's failure to

equity for the violations of the laws of the Commonwealth as described in Paragraphs G, H, I, J, K, L, and O hereof, which took place prior to execution of this Consent Order and Agreement; but if Witco fails to comply fully with all the provisions and requirements hereof in a timely manner, notwithstanding any payments made pursuant to Paragraphs 23 and 24 above, the Department may institute any appropriate action based on any violations.

27. Nothing in the Consent Order and this Agreement shall be construed to imply that the Department waives its right to institute enforcement action for any violations of the statutes or rules and regulations of the Environmental Quality Board that may result from Witco's operations.

28. Notwithstanding compliance with the requirements of this Consent Order and Agreement, should any investigation reveal that approved closure is insufficient or inadequate to protect human health or the environment, the Department specifically reserves its rights to take whatever action it deems necessary to require Witco to perform additional remedial activities. Approval of the closure plans contained in this Consent Order and Agreement refers only to functional design and shall not be deemed to guarantee stability or operational efficiency.

29. Failure by Witco to comply with any obligation imposed by the Consent Order and Agreement in a timely manner shall be deemed a material violation of this Order and shall entitle the Department to pursue any and all available remedies and penalties, administrative, criminal, civil, in law or in equity for violations of law and/or violations of an Order of the Department, including all violations occurring prior to execution of this Consent Order and Agreement.

Such remedies and penalties shall be in addition to those remedies and penalties set forth in both the Consent Order and this Agreement.

30. This Agreement shall remain in force and effect until August 31, 1989 or until Witco fulfills all responsibilities imposed by the Consent Order and this Agreement, whichever comes first, or until changed by negotiation of an agreement in the form of written amendments to the Consent Order and this Agreement. However, Paragraphs 2-23 shall remain in effect as an Order of the Department.

30. It is the intent of the parties hereto that the clauses hereof are severable, and should any part of this Consent Order and this Agreement be declared by a court of law to be invalid and unenforceable, the other clauses shall remain in full force and effect as between the parties, their successors and assigns.

31. The Consent Order and this Agreement shall be binding upon the parties' respective successors and assigns.

Consent Order entered and Agreement executed by the Commonwealth of
Pennsylvania, Department of Environmental Resources, this 30th day of
November, 1987.

FOR THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Russell S. Crawford

Regional Manager
Bureau of Waste Management

Zelda Curtiss
Zelda Curtiss
Assistant Counsel

Witco Corporation hereby consents to the entry of Paragraphs 2 through 23 which constitute an Order of the Department and hereby knowingly waives its right of appeal from this Order, which rights are available under the Act of April 9, 1929, P.L. 177, as amended by the Act of December 3, 1970, Act 275, P.L. 834, 71 P.S. §510-1 et seq., and the Administrative Agency Law, 2 Pa. C.S. §103(a), and Chapters 5A and 7A. The undersigned hereby covenant and agree that they are authorized to consent to the Order and to execute the agreement on behalf of Witco Corporation.

FOR WITCO CORPORATION

Lawrence F. McIsaac - Nov 9, 1987 *LM*
Name
Title Group Vice President

CORPORATE SEAL

James R. ... 11-17-87
Name
Title Vice President

Exhibit A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

In the Matter of:

WITCO CORPORATION
Sonneborn Division
Petrolia, PA

:
: Hazardous Waste
:

DETERMINATION OF NONAPPLICABILITY ORDER

NOW, This 4th day of December, 1987, the Commonwealth of Pennsylvania, Department of Environmental Resources ("Department") has made the following findings of fact:

A. Witco Corporation ("Witco") is a Delaware corporation registered to do business in Pennsylvania, having a mailing address of: C.T. Corporation Systems, Oliver Building, Mellon Square, Pittsburgh, PA 15222.

B. Witco owns and operates a facility in Fairview Township, Butler County ("Petrolia Facility"), which produces white mineral oils, petrolatums, microcrystalline waxes and activated carbon. The address of the Petrolia Facility is P. O. Box 336, Petrolia, PA 16050. This facility has been assigned Hazardous Waste Identification Number PAD004388500.

C. In the course of business, Witco generates spent methanol solvent at its Petrolia facility. Spent methanol solvent is listed as a hazardous waste with EPA ID No. F003 under 25 Pa. Code §75.261(h) and 40 CFR 261.31.

D. Prior to 1986, Witco maintained two sedimentation lagoons, designated as Lagoon Nos. 1 and 2, as part of its wastewater treatment system. Various process wastes from the Witco Facility, including quantities of spent methanol

solvent, entered these lagoons. Since the sludge that formed in these lagoons is derived in part from a listed hazardous waste, the sludge is a hazardous waste under 25 Pa. Code §75.261(b)(3)(ii).

E. On September 14, 1984, Witco submitted to the Department a request for a determination of nonapplicability, or delisting, under the Solid Waste Management Act, as amended, 35 P.S. §6018.101 et seq., and the regulations promulgated thereunder, 25 Pa. Code §75.260(b), for the sludge deposited in the Petrolia Facility lagoons.

F. On December 28, 1984, February 28, 1985, April 1, 1985, July 9, 1985, July 31, 1985, August 27, 1985, April 21, 1986, August 5, 1986, October 9, 1986, October 16, 1986 and November 3, 1986, Witco submitted additional information to the Department in support of its delisting request.

G. Based on the information submitted by Witco, the Department has determined that the sludge currently deposited in Lagoon Nos. 1 and 2 at the Petrolia Facility does not exhibit the properties which were the basis for listing it as a hazardous waste under 25 Pa. Code §75.261(h), and does not exhibit any of the characteristics of hazardousness under 25 Pa. Code §75.261(g).

H. Based on the information Witco supplied to EPA, EPA does not consider the mixture of hazardous and non-hazardous waste in the lagoon as a hazardous waste if it does not exhibit hazardous waste characteristics.

I. The Department does not currently have authorization from the U.S. Environmental Protection Agency to delist hazardous waste under the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act of 1976, P.L. 98-616, November 8, 1984; and, therefore, any determination by the

Department in this Order can only affect the status of hazardous waste under the laws of the Commonwealth.

NOW, THEREFORE, pursuant to Sections 104(2) and 602 of the Solid Waste Management Act, as amended, 35 P.S. §§6018.104(2) and 6018.602, the Department hereby issues the following Order:

1. The sludge generated by Witco and currently deposited in Lagoon Nos. 1 and 2 at the Petrolia Facility shall be considered a residual waste for purposes of the Solid Waste Management Act, as amended, supra.

2. Witco shall manage the delisted waste as a residual waste in compliance with the Solid Waste Management Act, as amended, supra, the Department's Rules and Regulations promulgated thereunder, and any other applicable laws of the Commonwealth.

3. Witco shall dispose of the delisted waste at a lined and permitted solid waste disposal facility which provides for the collection and treatment of leachate generated at that facility.

4. The terms of this Order shall apply to the waste which is currently deposited in Lagoon Nos. 1 and 2 at the Petrolia Facility. Any waste which was previously removed from Lagoon Nos. 1 and 2 and any waste produced in the future which is a hazardous waste listed in 25 Pa. Code §75.261(h) and 40 CFR 261, Subpart D, or is derived from a hazardous waste listed in 25 Pa. Code §75.261(h) and 40 CFR 261, Subpart D, shall be managed as a hazardous waste unless or until exempted under 25 Pa. Code §75.260(b).

5. This determination is based upon the representations and information contained in Witco's request for a determination of nonapplicability dated

September 14, 1984, as amended. Witco shall be under a continuing duty to immediately notify the Department in writing of any information required under 25 Pa. Code §75.260(b) of which Witco becomes aware and which was not contained in Witco's amended request for a determination of nonapplicability.

6. Nothing in this Order shall be construed to exclude this waste from the Lists of Hazardous Wastes in 40 CFR 261, Subpart D, for purposes of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §6901 et seq. ("RCRA").

7. Management of the delisted waste as a nonhazardous waste may require an evaluation by the U.S. Environmental Protection Agency for exclusion from the requirements of the Resource Conservation and Recovery Act and the Rules and Regulations of the U.S. Environmental Protection Agency.

FOR THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

William F. Pounds 12-4-87

William F. Pounds, Chief
Division of Facilities Management
Bureau of Waste Management

Witco Corporation, by its undersigned officials, hereby consents to the terms of this Order and waives any right to appeal from this Order, which right is available under Section 1921-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-21, and the Administrative Agency Law, 2 Pa. C.S. Chapters 5A and 7A. The undersigned officials covenant that they have authority to execute this document on behalf of Witco Corporation.

FOR WITCO CORPORATION

Lawrence H. Hirsch 11-17-87
Name DE 3
Title GROUP VICE PRESIDENT *oh*

John R. [Signature] 11-17-87
Name Date
Title: Vice President

(CORPORATE SEAL)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

1012 Water Street
Meadville, Pennsylvania 16335
Telephone: A. C. 814/332-6848
June 28, 1991

Subject: Witco Corporation
"Old Disposal Site" Closure
Fairview Township, Butler County
I.D. #PAD004388500

Mr. Richard Fleege
Witco Chemical Corporation
Sonneborn Division
P.O. Box 336
Petrolia, PA 16056

Dear Mr. Fleege:

A final inspection was conducted June 14, 1991 to determine compliance with the revised Closure Plan dated June 29, 1987 and the Consent Order and Agreement dated November 30, 1987, as amended November 21, 1989 and February 8, 1991. It has been determined that the above subject area has been closed in compliance with the approved plans.

The initial item of post-closure which will need to be conducted as discussed with you during the site visit, includes the reseeding of the entire area since only approximately 50% of the seeds planted last fall grew. Reseeding shall take place as soon as there is adequate moisture in the final cover to establish new growth.

If you should have any questions, please contact this Department at the above address and telephone number.

Sincerely,

A. Patrick Boyle
Acting Regional Solid Waste Manager
Field Operations
Northwest Region

APB/BAM/jb



comply with any date in any schedule described in Paragraphs 3, 4, 12, or 17 is due to riot, civil disorder, acts of God, weather so severe as to impede construction (the parties do not consider the normal weather of Western Pennsylvania to be included in this paragraph), work slowdown or stoppage, strike, unavailability of materials or labor, any delay or defaults of third parties under contract with Witco with respect to the obligations undertaken hereunder, or any other cause beyond the control of Witco which Witco is unable to prevent despite due diligence, the Department will grant an extension of time for compliance which it determines is justified to compensate for the unavoidable delay. In order for Witco to take advantage of this Paragraph, Witco shall notify the Department in writing within fourteen (14) days of the date Witco knows or has reason to know of the event causing the delay. Notification shall be made to the Department's Regional Solid Waste Management Manager or his designated successor at the BSWM Office and shall include all relevant documentation, such as copies of third-party correspondence, and a notarized affidavit from a responsible official of Witco, specifying the length and causes of delay and Witco's efforts to perform its obligations on time. Provided, however, all extensions granted under this paragraph shall not extend the final date for compliance in Paragraphs 3 and 4 beyond April 30, 1990; the final date for compliance with Paragraph 12 beyond October 15, 1988 or the final date for compliance with Paragraph 17 beyond October 15, 1988.

26. So long as Witco fully complies with all the provisions and requirements set forth in this Consent Order and Agreement within the times specified for such performance, the Department shall not institute any action at law or in